
PITTWATER COUNCIL
Section 149 Pt 2 Planning Certificate
Environmental Planning & Assessment Act, 1979

Applicant: TRINA ROWSTON
7 HUDSON PDE.
AVALON NSW 2107

Cert. No: e149Pt2/14/0396
Cert. Date: 13 May 2014
Fee: \$53.00
Property No: 24799

Your Reference:

Address of Property: 11 DARIUS AVENUE
NORTH NARRABEEN NSW 2101

Description of Property: Lot 6 DP 28354

Strata Unit Details (if applicable):

County: Cumberland **Parish:** Narrabeen

PLEASE NOTE:

The zoning information in this certificate is based on the lot and plan number referred to in this Certificate. If the lot and plan number is not the current description of the land then this Certificate will be incorrect. Persons relying on this Certificate should satisfy themselves by reference to the Title Deed that the land to which this Certificate relates is identical to the land the subject of the enquiry.

A reference in this certificate to any instrument, including Pittwater Local Environmental Plan 1993, is a reference to that instrument, as amended.

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The prescribed matters required by Section 149 (2) of the Environmental Planning & Assessment Act are as follows and relate to the subject land at the date of this certificate.

ZONING AND LAND USE

EP&A Regulations 2000
Schedule 4 Clause 2

The following information identifies the purposes for which development may be carried out with or without development consent and the purposes for which the carrying out of development is prohibited, for all zones affecting the land as identified on the maps to which PLEP 1993 applies.

ZONING MAP

ZONE NO. 2(a) (RESIDENTIAL "A")

1. Without development consent

Nil.

2. Only with development consent

Any purpose other than a purpose for which development may be carried out without development consent or a purpose for which development is prohibited.

3. Prohibited

Boarding-houses; bulk stores; car repair stations; caravan parks; commercial premises; generating works; group buildings; helipads; heliports; industries; institutions; junk yards; liquid fuel depots; mines; motels; motor showrooms; places of assembly; recreation areas; recreation establishments; refreshment rooms; residential flat buildings; retail plant nurseries; sawmills; service stations; shops; stock and sale yards; transport terminals; warehouses.

Note: In addition to the controls contained in Pittwater Local Environmental Plan, 1993, clause 29 of the Environmental Planning & Assessment (Savings and Transitional) Regulation 1998 sets out further circumstances where development consent will be required for particular development. These circumstances may include development that does not require consent under Pittwater Local Environmental Plan 1993. A copy of clause 29 is attached and marked with the letter "A".

DUAL OCCUPANCY MAP

WITHIN AREA 3 FOR DUAL OCCUPANCY DEVELOPMENT - (see clauses 21C, 21D (where applicable), 21F, 21H)

MULTI-UNIT HOUSING MAP

FLAT MAP

SECONDARY DWELLINGS MAP

WITHIN THE SECONDARY DWELLINGS AREA - (see clauses 21P, 21Q, 21R)

Identified as coloured red on the "Pittwater Local Environment Plan 1993 (Amendment No 58) - Secondary Dwellings Map"

HERITAGE CONSERVATION MAP – SCHEDULE 9

Note: Information is only listed where applicable under the headings “DUAL OCCUPANCY MAP; MULTI-UNIT HOUSING MAP; FLAT MAP; SECONDARY DWELLINGS MAP; HERITAGE CONSERVATION MAP – SCHEDULE 9”.

ADDITIONAL PURPOSES FOR WHICH DEVELOPMENT IS PERMISSIBLE WITH DEVELOPMENT CONSENT - SCHEDULE 10

Additional purposes for which development is permissible with development consent pursuant to Clause 44 and Schedule 10 of Pittwater Local Environmental Plan 1993;-

Note: Where no additional purposes have been listed under the heading “ADDITIONAL PURPOSES FOR WHICH DEVELOPMENT IS PERMISSIBLE WITH DEVELOPMENT CONSENT”, then clause 44 of Pittwater Local Environmental Plan 1993 is inapplicable to the land the subject of this certificate.

FURTHER PLANNING CONTROLS

EP&A Regulations 2000
Schedule 4 Clause 2 (e) (f) (g) (h)

Development standard fixing minimum land dimensions required for the erection of a dwelling house

The erection of a dwelling house on the land is not prohibited because of development standard relating to the minimum area on which a dwelling house may be erected. In relation to development standards prescribing minimum areas for other types of development, please refer to Pittwater Local Environmental Plan 1993.

Note: Where no information has been provided under the heading “FURTHER PLANNING CONTROLS”, then such information is inapplicable to the land the subject of this certificate.

Note: Any reference to Draft Local Environmental Plans affecting this land is made in the following section under the heading “PROPOSED LOCAL ENVIRONMENTAL PLANS”.

CLAUSES FROM PITTWATER LOCAL ENVIRONMENTAL PLAN 1993

The following clauses, extracted from Pittwater Local Environmental Plan 1993, relate to the subject land. A number of these clauses identify the purposes for which development may be carried out with and without development consent and purposes for which the carrying out of development is prohibited. Council advises any person wishing to rely upon the contents of this document, to rely only upon the text of the Pittwater Local Environmental Plan 1993 and the Environmental Planning and Assessment Model Provisions 1980 as published in the New South Wales Government Gazette.

6. Model Provisions

(1) The Environmental Planning and Assessment Model Provisions 1980 (in this clause referred to as the "Model Provisions"), except -

- (a) the definitions of "advertising structure", "advertisement", "car repair station", "dwelling", "educational establishment", "general store", "home occupation", "light industry", "major road frontage", "mineral sand mine", "parking space", "professional consulting rooms", "public utility undertaking", "recreation facility", "roadside stall", "rural worker's dwelling", "site area", "tavern", "tourist facilities" and "units for aged persons" in clause 4(1); and

- (b) clauses 5(5), 8, 12, 15, 16, 17, 18, 23, 24, 26, 27, 28, 30, 31, 32, 33 and 34 and items 1 and 10 of Schedule 1,

are adopted for the purposes of this plan.

(2) For the purposes of this plan, the Model Provisions shall be deemed to be amended -

- (a) by inserting in clause 5(1) after the word "within" the words "a foreshore scenic protection area or within";
- (a1) DELETED
- (b) DELETED
- (c) by omitting from clause 35(c) the words "carried on in dwelling-houses";
- (d) by inserting in Item 2 of Schedule 1 after the word "drainage" the words "telecommunication services"; and
- (e) by inserting in Item 2 (d) of Schedule 1 after the word "electricity" the words "or to provide telecommunication services".

10. **Restrictions on certain development**

A person shall not, without the consent of the council, carry out any of the following development:

- (a) subdivision of land, including subdivision for the purpose of a strata scheme under the Strata Schemes (Freehold Development) Act 1973 or a leasehold strata scheme under the Strata Schemes (Leasehold Development) Act 1986.
- (b) earthworks, including landfill, whether or not ancillary to or preparatory for a purpose for which development may be carried out without development consent pursuant to the Table to clause 9, except in respect of development the subject of consent already granted under the Act or works required pursuant to the implementation of an approval under the Local Government Act 1993;
- (c) development in respect of:
 - (i) land below high water mark;
 - (ii) the bed of a creek, lagoon, river, bay or other natural watercourse; or
 - (iii) any reclaimed or accreted land

other than development on land to which Pittwater Local Environmental Plan 1993 (Amendment No. 1) applies.

- (d) development for the purpose of an aircraft landing field, helipad, heliport or any other facility for the landing or taking off of aircraft or helicopters.

16. Dwelling-houses in Zone No. 2(a), 2(b) or 2(e)

A person shall not erect a dwelling-house on an allotment of land within Zone No 2(a), 2(b) or 2(e) unless that allotment was lawfully created.

DIVISION 3 - Group buildings and residential flat buildings

18. Provision of services

The council shall not grant consent to the erection of a group building or residential flat building on any land within Zone No. 2(a), 2(b) or 2(e) unless it is satisfied that, at the time of completion of the building, a reticulated sewerage system will be available to the land on which the building will be erected.

19. Group buildings in Zone No. 2(a), 2(b) or 2(e)

- (1) Except as provided by this clause, the erection of a group building on land within Zone No. 2(a), 2(b) or 2(e) is prohibited.
- (2) A group building may be erected on land within Zone No. 2(a), 2(b) or 2(e) only in an area shown edged heavy black and identified by the symbols "GB", "2" or "3" on the Flat Map.
- (3) A group building may be erected on all lots (excepting Lots 1 and 26) in DP 270121, being land between Waratah and Park Streets, Mona Vale, despite subclause (2).

20. Residential flat buildings in Zone No. 2(a) or 2(b)

- (1) Except as provided by this clause, the erection of a residential flat building on land within Zone No. 2(a) or 2(b) is prohibited.
- (2) A two storey residential flat building may be erected on land within Zone No. 2(a) or 2(b) only in an area shown edged heavy black and identified by the symbol "2" or "3" on the Flat Map.
- (3) A three storey residential flat building may be erected on land within Zone No. 2(a) or 2(b) only in an area shown edged heavy black and identified by the symbol "3" on the Flat Map.
- (4) A development application that was made but not fully determined before the commencement of Pittwater Local Environmental Plan 1993 (Amendment No. 29) shall be determined under this plan as in force immediately prior to the commencement of Pittwater Local Environmental Plan 1993 (Amendment No. 29).

DIVISION 3A - Dual occupancy development

21C. Attached dwellings permitted in Areas 2 and 3

Despite any other provision of this plan, a person may, with the consent of the council, on land within Area 2 or 3 as shown on the Dual Occupancy Map:

- (a) alter or add to a dwelling house erected on an allotment so as to create 2 attached dwellings; or
- (b) erect an attached dwelling on an allotment,

but only if there are not more than 2 dwellings on the allotment after the development has been carried out.

DIVISION 3A - Dual occupancy development

21D. Detached dwellings permitted in part of Area 3

Despite any other provision of this plan, a person may, with the consent of the Council, on land within that part of Area 3 (as shown on the Dual Occupancy Map) situated generally south of Mona Vale Road, Ingleside, through to Mona Vale, Pittwater Road, Park Street, and Golf Avenue, Mona Vale, carry out dual occupancy development that results in 2 detached dwellings on an allotment but only if there are not more than 2 dwellings on the allotment after the development has been carried out.

21F. Dual occupancy subdivision

- (1) On and after the day on which Pittwater Local Environmental Plan 1993 (Amendment No. 11) commences, consent must not be granted for a subdivision which creates separate allotments for each of the two dwellings resulting from dual occupancy development carried out in accordance with this Division.
- (2) The separate occupation of the proposed lots illustrated by a proposed strata plan relating to the two dwellings resulting from any such dual occupancy development is prohibited.
- (3) This clause does not apply to any two dwellings resulting from development carried out pursuant to a consent:
 - (a) granted in accordance with this Division later than 14 days after Pittwater Local Environmental Plan 1993 (Amendment No. 11) was first exhibited under the Act, but only if the application for the consent was made before the expiration of that 14 day period; or
 - (b) granted in accordance with this Division on or after 3 March 1995 and before the expiration of that 14 day period; or
 - (c) granted before 3 March 1995 in accordance with Sydney Regional Environmental Plan No. 12 - Dual Occupancy and Part 2 of State Environmental Planning Policy No. 25 - Residential Allotment Sizes and Dual Occupancy Subdivision; or
 - (d) granted on or after 3 March 1995 in accordance with Sydney Regional Environmental Plan No. 12 - Dual Occupancy and Part 2 of State

Environmental Planning Policy No. 25 - Residential Allotment Sizes and Dual Occupancy Subdivision as continued in force for certain development applications made before that date by clause 8 (Savings) of Pittwater Local Environmental Plan 1993 (Amendment No. 6).

21H. Standards for dual occupancy development in Areas 2 and 3

(1) The Council must not grant its consent to dual occupancy development on land within Area 2 or 3 as shown on the Dual Occupancy Map (other than on land within Zone No. 1(a), 1(a1), 1(b) or 1(c)) unless it is satisfied that the development complies with each of the development standards specified in the following table:

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Area description and type of development	Minimum lot/ subdivision size	Maximum floor space ratio	Maximum site coverage	Maximum height	Minimum carparking
Area 2 – attached dwellings	400m ² per dwelling (and 800m ² per site)	0.3:1	40%	8.5m	2 car spaces per dwelling
Area 3 – attached dwellings	300m ² per dwelling (and 600m ² per site)	0.4:1	50%	8.5m	2 car spaces per dwelling
Area 3 (south of Mona Vale Road) – detached dwellings	400m ² per dwelling (and 800m ² per site)	0.4:1	50%	8.5m for one dwelling and 3.6m for the other dwelling	2 car spaces per dwelling

21N. Multi-unit housing in Zone No 2(a) or 2(b)

(1) Except as provided by this clause, the erection of multi-unit housing on land within Zone No. 2(a) or 2(b) is prohibited.

(2) Despite any other provision of this plan, multi-unit housing (except shop-top housing) may be erected with the consent of the Council on land within Zone No. 2(a) or 2(b) only in an area shown edged heavy black and identified by the symbols "MUH" on the multi-unit housing map.

(3) Multi-unit housing referred to in subclause (2) shall not be erected at a density exceeding 1 dwelling per 200 square metres of site area.

DIVISION 3C - Secondary Dwellings

21P. Aims

The aims of this Division are:

(a) to encourage a greater diversity of housing types and wider housing choice in appropriate locations with adequate physical and social infrastructure, and

(b) to provide additional opportunities for more compact and affordable forms of housing with minimal environmental impact, and

(c) to improve utilisation of building stock and infrastructure.

21Q. **Definitions**

In this Division:

secondary dwelling means a self-contained dwelling that:

(a) is established in conjunction with another dwelling (the **principal dwelling**), and

(b) is on the same lot of land (not being an individual lot in a strata plan or community title scheme) as the principal dwelling, and

(c) is located within, or is attached to, or is separate from, the principal dwelling.

secondary dwellings map means the map marked "Pittwater Local Environmental Plan 1993 (Amendment No 58)- Secondary Dwellings Map", as amended by the maps (or, if any sheets of maps are specified, by the specified sheets of the maps) marked as follows:

Pittwater Local Environmental Plan 1993 (Amendment No 58)

21R. **Secondary dwellings in Zone No 2 (a), 2 (b), 2 (e) or 2 (f)**

(1) Except as provided by this clause, the erection of secondary dwellings on land within Zone No 2 (a), 2 (b), 2 (e) or 2 (f) is prohibited.

(2) A secondary dwelling may be erected with the consent of the council on land within Zone No 2 (a), 2 (b), 2 (e) or 2 (f) only in an area shown coloured red on the secondary dwellings map.

(3) The total floor area of the secondary dwelling (excluding any area used for parking) must not exceed whichever of the following is greater:

(a) 60 square metres,

(b) 20% of the total floor area of both the self-contained dwelling and the principal dwelling.

(4) The council must not grant its consent for the carrying out of development for the purpose of a secondary dwelling unless it is satisfied that the development will not have an adverse effect of any significance on:

(a) the protection of rare and endangered flora and fauna species and the protection of habitats for native flora and fauna, or

(b) the protection of wildlife corridors and vegetation links with nearby bushland, or

(c) the protection of bushland as a natural stabiliser of the soil surface and the protection of existing landforms such as natural drainage lines and watercourses, or

- (d) the protection of bushland for scenic values and the retention of the unique visual identity of the landscape, or
- (e) the retention of tree canopy and the protection of the visual amenity of the area, including its visual amenity when viewed from other residences, from the water, and from any public place, or
- (f) Aboriginal sites.

DIVISION 8 - Conservation

33. Preservation of trees or vegetation.

(1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.

(2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.

Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:

- (a) development consent, or
- (b) a permit granted by the Council.

(4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

(5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna (within the meaning of the standard instrument prescribed by the Standard Instrument (Local Environmental Plans) Order 2006).

(6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

(7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:

- (a) that is or forms part of a heritage item or that is within a heritage conservation area, or
- (b) that is or forms part of an Aboriginal object or that is within a place of Aboriginal heritage significance, unless the Council is satisfied that the proposed activity:
- (c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, place of Aboriginal heritage significance or heritage conservation area, and
- (d) would not adversely affect the heritage significance of the heritage item,

Aboriginal object, place of Aboriginal heritage significance or heritage conservation area.

Note. As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 32 will be applicable to any such consent.

(8) This clause does not apply to or in respect of:

- (a) the clearing of native vegetation (within the meaning of the Native Vegetation Act 2003):
 - (i) that is authorised by a development consent or property vegetation plan under the Native Vegetation Act 2003, or
 - (ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or
- (b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the Native Vegetation Act 2003) that is authorised by a development consent under the provisions of the Native Vegetation Conservation Act 1997 as continued in force by that clause, or
- (c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the Forestry Act 1916, or
- (d) action required or authorised to be done by or under the Electricity Supply Act 1995, the Roads Act 1993 or the Surveying and Spatial Information Act 2002, or
- (e) plants declared to be noxious weeds under the Noxious Weeds Act 1993.

DIVISION 9 - Other land uses and miscellaneous

39. Suspension of covenants, etc.

- (1) For the purpose of enabling development to be carried out in accordance with this plan (as in force at the time the development is carried out) or in accordance with a consent granted under the Act, any covenant, agreement or similar instrument imposing a restriction on the carrying out of the development does not, to the extent necessary to serve that purpose, apply to the development.
- (2) Nothing in this clause affects the rights or interests of the Council under any covenant, agreement or similar instrument.
- (3) Pursuant to section 28 of the Act, before the making of this clause the Governor approved of this clause.

40. Restriction on excavation

Where, immediately before 27 June 1951, any land within Zone No. 2(a) or 2(b) was used for the purpose of winning extractive materials, no excavation for that purpose shall be made, opened or extended within 15 metres of adjoining land which is within Zone No. 2(a) or 2(b) and was not, immediately prior to 27 June 1951, in the same ownership.

46. Provision of adequate water and sewerage services

The council shall not grant consent to the carrying out of development in accordance with this plan unless it is satisfied that adequate provision has been made for the supply of water.

48. Outdoor advertising

(1) The aim of this clause is to ensure that outdoor advertising:

- (a) conveys advertisers' messages and images while complementing and conforming to both the building on which it is displayed and the character of the surrounding locality; and
- (b) does not adversely affect the area in which it is located in terms of appearance, size, illumination, overshadowing or in any other way; and
- (c) does not lead to visual clutter through the proliferation of signs.

(2) Notwithstanding any other provision of this plan, the following advertisements may be erected, without consent:

- (a) an advertisement within a site which is not visible (due to built form) from outside that site (but not an advertisement on a heritage item or on a site within a heritage conservation area);
- (b) a business identification sign on land:
 - (i) within Zone No. 2(a), 2(b) or 2(e) but only if:
 - the sign is not erected on a heritage item and;
 - the sign does not exceed 0.75 square metres in area; or
 - (ii) within Zone No. 3(a), 3(b2), 3(b3), 3(c), 3(d) or 3(e), but only if it is not erected on a heritage item and it meets any of the following descriptions:
 - a sign located on a shop at a point below the level of the awning and which covers no more than 33% of the area of the shopfront; or
 - if it is located on a shop with no awning, a sign located at a point 3 metres or below the level of the bottom of the first floor, and which covers no more than 33% of the area of the shopfront; or
 - an awning fascia sign; or
 - a suspended under-awning sign, but not more than one for every 3 metres of shopfront length, being a sign not exceeding 2.5 metres in length and 0.5 metre in height and at no point less than 2.6 metres from ground level; or

- (iii) within Zone No. 4(b) or 4(b1), but only if it does not exceed 10 square metres in area and covers no more than 20% of the area of the façade of the building;
- (c) a real estate sign on any land;
- (d) a temporary sign on any land;
- (e) a public notice displayed by a public authority/utility giving information or directions about the services provided by it;
- (f) a different advertisement replacing an advertisement for which consent was granted;
- (g) a sign behind, painted or letters stuck onto the glass line of a shop window;
- (h) an advertisement on a motor vehicle used principally for the conveyance of goods or passengers.

DIVISION 10 - Exempt and complying development

55. Exempt and complying development

- (1) Development of minimal environmental impact listed as exempt development in Development Control Plan No 22: Exempt and Complying Development as adopted by Council on 22 November 1999 is exempt development, despite any other provision of this plan.
- (2) Development listed as complying development in Pittwater Development Control Plan No. 22: Exempt and Complying Development as adopted by Council on 22 November 1999 is complying development if:
 - (a) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and
 - (b) it is not an existing use, as defined in section 106 of the Act.
- (3) Development is exempt or complying development only if it complies with the development standards and other requirements applied to the development by Pittwater Development Control Plan No 22: Exempt and Complying Development as adopted by Council on 22 November 1999.
- (4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in Pittwater Development Control Plan No 22: Exempt and Complying Development as adopted by Council on 22 November 1999, as in force when the certificate was issued.

Note: *There are other provisions and development standards within the Pittwater LEP 1993 (including model provisions) which affect the carrying out of development. If you propose to carry out development on the land, you should consider these*

clauses. You are also advised to consider obtaining professional advice regarding the full effect of the Pittwater LEP and other environmental planning instruments, which may affect the land.

RELEVANT PLANNING INSTRUMENTS AND DEVELOPMENT CONTROL PLANS

EP&A Regulations 2000
Schedule 4 Clause 1

LOCAL ENVIRONMENTAL PLAN

EP&A Regulations 2000
Schedule 4 Clause 1 (1)

Pittwater Local Environmental Plan 1993

PROPOSED LOCAL ENVIRONMENTAL PLANS

EP&A Regulations 2000
Schedule 4 Clause 1 (2)

Draft Pittwater Local Environmental Plan 2013

The purpose of this plan is to replace Pittwater Local Environmental Plan 1993 (as amended).

PROPOSED PITTWATER LOCAL ENVIRONMENTAL PLAN 2013 ZONING AND LAND USE

EP&A Regulations 2000
Schedule 4 Clause 2

The following information identifies the proposed purposes for which development may be carried out with or without development consent and the purposes for which the carrying out of development is prohibited, for all proposed zones affecting the land as identified on the maps to which Draft Pittwater Local Environmental Plan 2013 applies.

PROPOSED PITTWATER LOCAL ENVIRONMENTAL PLAN 2013 LAND ZONING MAP

EP&A Regulations 2000
Schedule 4 Clause 2 (a) (b) (c) (d)

Zone R2 Low Density Residential

2 Permitted without consent

Home businesses; Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Environmental protection works; Exhibition homes; Group homes; Health consulting rooms; Home-based child care; Home industries; Jetties; Places of public worship; Respite day care centres; Roads; Secondary dwellings; Veterinary hospitals; Water recreation structures

4 Prohibited

Any development not specified in item 2 or 3

PROPOSED PITTWATER LOCAL ENVIRONMENTAL PLAN 2013 HERITAGE MAP

EP&A Regulations 2000
Schedule 4 Clause 2 (g) (h)

Note: Where no information has been provided under the heading "PROPOSED LOCAL ENVIRONMENTAL PLANS", Council is unaware of any Proposed Local Environmental Planning Instrument that is or has been the subject of community consultation or on public exhibition under the Act, applying to the land.

DEVELOPMENT CONTROL PLANS

EP&A Regulations 2000
Schedule 4 Clause 1 (3)

Pittwater 21 Development Control Plan

The purpose of this plan is to provide best practice standards for development.

DCP No. 22 - Exempt and Complying Development

This Plan was adopted to:

To clearly define types of development that do not require consent and can be carried out without any formal application to Council - this is known as "exempt" development.

To clearly define development that may be carried out with consent, that is not an "existing use" as defined in the Environmental Planning and Assessment Act, and that requires a complying development certificate to be issued by Council or an accredited private certifier before starting construction. This is known as "complying" development.

STATE ENVIRONMENTAL PLANNING POLICIES AND PROPOSED STATE ENVIRONMENTAL PLANNING POLICIES

EP&A Regulations 2000
Schedule 4 Clause 1 (1)

- SEPP NO. 1 - Development Standards (gazetted 17.10.80)**
- SEPP NO. 19 - Bushland in Urban Areas (gazetted 24.10.86)**
- SEPP NO. 21 - Caravan Parks (gazetted 24.4.92)**
- SEPP NO. 30 - Intensive Agriculture (gazetted 8.12.89)**
- SEPP NO. 32 - Urban Consolidation (Redevelopment of Urban Land) (gazetted 15.11.91)**
- SEPP NO. 33 - Hazardous and Offensive Development (gazetted 13.03.92)**
- SEPP NO. 44 - Koala Habitat Protection (gazetted 6.01.95)**
- SEPP NO. 50 - Canal Estate Development (gazetted 10.11.97)**
- SEPP NO. 55 - Remediation of Land (gazetted 28.08.98)**
- SEPP NO. 62 - Sustainable Aquaculture**
- SEPP NO. 64 - Advertising and Signage (gazetted 16.3.2001)**
- SEPP NO. 65 - Design Quality of Residential Flat Development (gazetted 26/07/2002)**
Amendment 2 (gazetted 4/07/2008)
- SEPP - (Housing for Seniors or People With a Disability) 2004 (gazetted 28.07.2007)**
- SEPP - Building Sustainability Index: BASIX (gazetted 1.7.2004)**
- SEPP - (Major Development) 2005 (gazetted 25.05.2005)**
- SEPP - (Mining, Petroleum Production & Extractive Industries) 2007 (gazetted 16.02.2007)**
- SEPP - (Temporary Structures) 2007 (gazetted 28.09.2007)**
- SEPP - (Infrastructure) 2007 (gazetted 21.12.2007)**
- Draft SEPP NO. 66 - Integration of Land Use and Transport**
- Draft SEPP (Application of Development Standards) 2004**
- SEPP - (Affordable Rental Housing) 2009**
- SEPP - (Exempt & Complying Development Codes) 2008 (gazetted 12.12.2008) As amended**
- Deemed SEPP - Hawkesbury-Nepean River (No. 2 - 1977)**

Note: Clause 29 of the Environmental Planning and Assessment (Savings and Transitional) Regulation 1998 affects the provisions of certain State Environmental Planning Policies and how they apply to the land. A copy of clause 29 is attached and should be read in conjunction with the State Environmental Planning Policies listed.

ZONING AND LAND USE UNDER STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY REGION GROWTH CENTRES) 2006

EP&A Regulations 2000
Schedule 4 Clause 2A

Note: *Where no information has been provided under the heading "ZONING AND LAND USE UNDER STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY REGION GROWTH CENTRES) 2006", then such information is inapplicable to the land the subject of this certificate.*

COMPLYING DEVELOPMENT

EP&A Regulations 2000
Schedule 4 Clause 3

The following notations relate to the extent to which the land is land on which complying development may or may not be carried out under each of the codes for complying development because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Note: *The land use zone, for the purposes of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 Clause 1.6 Interpretation-reference to land use zones, is that shown under the heading "PROPOSED PITTWATER LOCAL ENVIRONMENTAL PLAN 2013 LAND ZONING MAP".*

GENERAL HOUSING CODE

Complying development under the General Housing Code may be carried out on all of the land the subject of this certificate, in accordance with the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4) and 1.19 of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Note: *Further zone based limitations may apply. See State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 clause:*

3.1 Land to which code applies

This code applies to development that is specified in clauses 3.2-3.5 on any lot in Zone R1, R2, R3, R4 or RU5 that:

- (a) has an area of at least 200m², and
- (b) has a width, measured at the building line fronting a primary road, of at least 6m.

RURAL HOUSING CODE

Complying development under the Rural Housing Code may be carried out on all of the land the subject of this certificate, in accordance with the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4) and 1.19 of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Note: *Further zone based limitations may apply. See State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 clause:*

3A.1 Land to which code applies

This code applies to development that is specified in clauses 3A.2-3A.5 on lots in Zone RU1, RU2, RU3, RU4, RU6 and R5.

HOUSING ALTERATIONS CODE

Complying development under the Housing Alterations Code may be carried out on all of the land the subject of this certificate, in accordance with the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4) and 1.19 of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

GENERAL DEVELOPMENT CODE

Complying development under the General Development Code may be carried out on all of the land the subject of this certificate, in accordance with the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4) and 1.19 of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

COMMERCIAL AND INDUSTRIAL ALTERATIONS CODE

Complying development under the Commercial & Industrial (Alterations) Code may be carried out on all of the land the subject of this certificate, in accordance with the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4) and 1.19 of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

COMMERCIAL AND INDUSTRIAL (NEW BUILDINGS AND ADDITIONS) CODE

Complying development under the Commercial & Industrial (New Buildings and Additions) Code may be carried out on all of the land the subject of this certificate, in accordance with the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4) and 1.19 of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Note: Further zone based limitations may apply. See *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* clause:

5A.1 Land to which code applies

This code applies to development that is specified in clause 5A.2 on any lot in Zone B1, B2, B3, B4, B5, B6, B7, B8, IN1, IN2, IN3, IN4 or SP3.

SUBDIVISION CODE

Complying development under the Subdivision Code may be carried out on all of the land the subject of this certificate, in accordance with the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4) and 1.19 of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

DEMOLITION CODE

Complying development under the Demolition Code may be carried out on all of the land the subject of this certificate, in accordance with the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4) and 1.19 of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

FIRE SAFETY CODE

Complying development under the Fire Safety Code may be carried out on all of the land the subject of this certificate, in accordance with the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4) and 1.19 of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Note: State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 ("SEPP") must be read and applied in conjunction with Pittwater Local Environmental Plan, 1993 and Draft Pittwater Local Environmental Plan 2013.

COASTAL PROTECTION

EP&A Regulations 2000
Schedule 4 Clause 4

The Council has not been notified by the Department of Services, Technology and Administration that the land is affected by the operation of section 38 or 39 of the Coastal Protection Act 1979.

CERTAIN INFORMATION RELATING TO BEACHES AND COASTS

EP&A Regulations 2000
Schedule 4 Clause 4A

- 1) Council is not aware of any order made under Part 4D of the *Coastal Protection Act 1979* in relation to temporary coastal protection works to the land the subject of this certificate, or on public land adjacent to that land.
- 2) Council has not been notified under section 55X of the *Coastal Protection Act 1979* that temporary coastal protection works have been placed on the land subject of this certificate, or on public land adjacent to that land.

ANNUAL CHARGES UNDER LOCAL GOVERNMENT ACT 1993 FOR COASTAL PROTECTION SERVICES THAT RELATE TO EXISTING COASTAL PROTECTION WORKS

EP&A Regulations 2000
Schedule 4 Clause 4B

Council is not aware of any charges under section 496B of the *Local Government Act 1993* for coastal protection services levied upon land the subject of this certificate.

MINE SUBSIDENCE

EP&A Regulations 2000
Schedule 4 Clause 5

The land has not been proclaimed to be a mine subsidence district within the meaning of Section 15 of the Mine Subsidence Compensation Act, 1961.

ROAD WIDENING AND ROAD REALIGNMENT

EP&A Regulations 2000
Schedule 4 Clause 6

- (a) The land is not affected by any road widening or road realignment under Division 2 of Part 3 of the Roads Act 1993.
- (b) The land is not affected by any road widening or road realignment under Pittwater Local Environmental Plan 1993.
- (c) The land is not affected by any road widening or road realignment under any resolution of Council.

Further to clause (b) above, the land is not affected by any road widening or road realignment under Draft Pittwater Local Environmental Plan 2013.

Note: The Roads and Traffic Authority may have proposals that are not referred to in this item. For advice about affectation by RTA proposals, contact the Roads and Traffic Authority.

COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES ON HAZARD RISK

RESTRICTIONS

EP&A Regulations 2000
Schedule 4 Clause 7

Council has adopted a number of policies with regard to various hazards or risks which may restrict development.

The identified hazard or risk and the respective Council policies which affect the property, if any, are listed below.

The property is affected by the following policies adopted by any other planning authority and notified to the Council for the express purpose of its adoption by that authority being referred to in planning certificates that restricts development of the property from the following acid sulphate soils:

Acid Sulfate Soil Manual

Council also has regard to the Acid Sulphate Soil Manual prepared jointly by the Department of Land and Water Conservation and the Department of Urban Affairs and Planning. For further information please contact Council's Natural Resources Unit.

The property is not affected by any other policy adopted by any other planning authority and notified to the Council for the express purpose of its adoption by that authority being referred to in planning certificates that restricts development of the property because of the likelihood of land slip, bushfire, tidal inundation, subsidence or any other risk (other than flooding):

Note 1: The absence of a policy to restrict development of the land because of the likelihood of any other risk does not imply that the land is free from risk. Detailed investigation carried out in conjunction with the preparation or assessment of an application may result in the Council imposing restrictions on development that are not identified above.

Note 2: The Geotechnical Risk Management Policy for Pittwater also applies to certain forms of development as outlined in clause 3.2 (b) (iii) and (iv) of that policy. For your information, see extract below:

3.2 (b) (iii)

Development Applications that include:

- excavations greater than 1 metre deep, the edge of which is closer to the site boundary or a structure to be retained on the site, than the overall depth of the excavation and/or
- any excavation greater than 3 metres deep below the existing surface and/or
- any excavation that has the potential to destabilize a tree capable of collapsing in a way that any part of the tree could fall onto adjoining structures (proposed or existing) or adjoining property and/or
- any fill greater than 1.0 metres and/or
- any works that may be affected by geotechnical processes or which may impact on geotechnical processes including but not limited to construction on sites with low bearing capacity soils.

3.2 (b) (iv)

Utility Companies and Public Authorities including Pittwater Council

- The Geotechnical Risk Management Policy-2007 is to apply to all works by Council or any Authority on public land where identified on the Geotechnical Risk Management Map (P21DCP – BCMDCP083) and subject to Part 4 of the Environmental Planning and Assessment Act requiring the lodgement of a Development Application.
- In relation to other works on public lands and on road reserves subject to Part 5 of the Environmental Planning & Assessment Act, is to be in accordance with Pittwater Council's Geotechnical Risk Management strategy for Council Assets.

FLOOD RELATED DEVELOPMENT CONTROLS INFORMATION

EP&A Regulations 2000
Schedule 4 Clause 7A

On the information available to Council, the land or part of the land in question is subject to the Flood Planning Level and the Probable Maximum Flood and is therefore classified as Category 1-High Hazard in Council's Flood Risk Management Policy for Pittwater.

The land or part of the land in question is subject to flood related development controls for the purposes (where permissible) of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings.

The land or part of the land in question is also subject to flood related development controls for any other purpose.

Development controls are set out in Council's Pittwater 21 Development Control Plan.

Note:

Flood levels have been determined using the available information from the most recent flood analysis, incorporating hydraulic modeling, surveyed cross sections and contour plans. The Flood Levels are available from Council's website and should be compared with the surveyed floor level and ground levels to assess flood risk.

On the information available to Council, the land or part of the land in question may be subject to high velocities and/or depth during a flood event and is therefore classified as being subject to a High Hazard Risk under Council's Flood Risk Management Policy for Pittwater. Advice should be sought from Council regarding the High Hazard classification of the land.

LAND RESERVED FOR ACQUISITION

EP&A Regulations 2000
Schedule 4 Clause 8

This land is not affected by any provisions within Pittwater Local Environmental Plan 1993 that would provide for the acquisition of the land by a public authority, as referred to in section 27 of the Act.

This land is not affected by any provisions within Draft Pittwater Local Environmental Plan 2013 that would provide for the acquisition of the land by a public authority, as referred to in section 27 of the Act.

CONTRIBUTIONS PLANS

EP&A Regulations 2000
Schedule 4 Clause 9

S.94 Plan No. 2 - Open Space Bushland and Recreation

This Plan was approved by Council to levy monetary contributions to ensure that an adequate level of open space, bushland and recreation opportunities are provided as new development occurs.

S.94 Plan No. 3 - Public Library Services

This Plan was approved by Council to levy monetary contributions to meet the recreational and informational needs of the potential incoming population as a result of residential subdivision of

land; dual occupancy development; and medium density residential development. This will be achieved by increasing available library resources and equipment and improving the capacity of library infrastructure

S.94 Plan No. 10 - Material Public Benefits and Dedication of Land

This Plan was approved by Council to enable Council to accept a material public benefit (other than the dedication of land or payment of money), and to enable Council to accept a dedication of land where there is a need for public services or public amenities as a result of new development.

S.94 Plan No. 18 - Community Service Facilities

This Plan was approved by Council to levy monetary contributions for the provision of an adequate level of community service facilities to meet the demand as new residential development occurs.

S.94 Plan No. 19 - Village Streetscapes

This Plan was approved by Council to levy contributions towards the provision, extension or augmentation of village streetscapes in Pittwater's main commercial areas which will be required as a consequence of development in the Pittwater Local Government Area.

BIODIVERSITY CERTIFIED LAND

EP&A Regulations 2000
Schedule 4 Clause 9A

Note: Where no information has been provided under the heading "BIODIVERSITY CERTIFIED LAND", then such information is inapplicable to the land the subject of this certificate.

BIOBANKING AGREEMENTS

EP&A Regulations 2000
Schedule 4 Clause 10

Note: Where no information has been provided under the heading "BIOBANKING AGREEMENTS", then Council is unaware of any such agreement applying to the land the subject of this certificate.

BUSH FIRE PRONE LAND

EP&A Regulations 2000
Schedule 4 Clause 11

This land the subject of this certificate is not identified on a Bush Fire Prone Land map certified by the Commissioner of the NSW Rural Fire Service as being bush fire prone land as per the Rural Fires and Environmental Assessment Legislation Amendment Act 2002 No 67.

PROPERTY VEGETATION PLANS

EP&A Regulations 2000
Schedule 4 Clause 12

Note: Where no information has been provided under the heading "PROPERTY VEGETATION PLANS", then such information is inapplicable to the land the subject of this certificate.

ORDERS UNDER TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006

EP&A Regulations 2000
Schedule 4 Clause 13

Note: Where no information has been provided under the heading "ORDERS UNDER TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006", then such information is inapplicable to the land the subject of this certificate.

DIRECTIONS UNDER PART 3A

EP&A Regulations 2000
Schedule 4 Clause 14

Note: Where no information has been provided under the heading "DIRECTIONS UNDER PART 3A", then such information is inapplicable to the land the subject of this certificate.

SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR SENIORS HOUSING

EP&A Regulations 2000
Schedule 4 Clause 15

Note: Where no information has been provided under the heading "SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR SENIORS HOUSING", then Council is unaware of any such site compatibility certificate applying to the land the subject of this certificate.

SITE COMPATIBILITY CERTIFICATES FOR INFRASTRUCTURE

EP&A Regulations 2000
Schedule 4 Clause 16

Note: Where no information has been provided under the heading "SITE COMPATIBILITY CERTIFICATES FOR INFRASTRUCTURE", then Council is unaware of any such site compatibility certificate applying to the land the subject of this certificate.

SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR AFFORDABLE RENTAL HOUSING

EP&A Regulations 2000
Schedule 4 Clause 17

Note: Where no information has been provided under the heading "SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR AFFORDABLE RENTAL HOUSING", then Council is unaware of any such site compatibility certificate applying to the land the subject of this certificate.

PAPER SUBDIVISION INFORMATION

EP&A Regulations 2000
Schedule 4 Clause 18

Note: Where no information has been provided under the heading "PAPER SUBDIVISION INFORMATION" then Council is unaware of any such development plan or subdivision order applying to the land the subject of this certificate.

SITE VERIFICATION CERTIFICATES

EP&A Regulations 2000
Schedule 4 Clause 19

Note: Where no information has been provided under the heading "SITE VERIFICATION CERTIFICATES", then Council is unaware of any such site verification certificate applying to the land the subject of this certificate.

MATTERS ARISING UNDER THE CONTAMINATED LAND MANAGEMENT ACT 1997

Contaminated Land Management Act 1997
Section 59 (2)

Note: Where no information has been provided under the heading "MATTERS ARISING UNDER THE CONTAMINATED LAND MANAGEMENT ACT 1997", then such information is inapplicable to the land the subject of this certificate.

Persons relying on this certificate should read the environmental planning instruments referred to in this certificate.

The Environmental Planning and Assessment Amending Act 1997 commenced operation on the 1st July 1998. As a consequence of this Act the information contained in this certificate needs to be read in conjunction with the provisions of the Environmental Planning and Assessment (Amendment) Regulation 1998, Environmental Planning and Assessment (Further Amendment) Regulation 1998, Environmental Planning and Assessment (Savings and Transitional) Regulation 1998 and Environmental Planning and Assessment Amendment Regulation 2000.

MARK FERGUSON
General Manager



ANNEXURE “A”

*Extract clause 29 Environmental Planning and Assessment
(Savings and Transitional) Regulation 1998*

- 29 Certain activities require development consent under amended EP&A Act 1979
- (1) This clause applies to development consisting of:
 - (a) a prescribed activity proposed to be carried out within the area of a council, or
 - (b) the subdivision of land within the area of a council, including development proposed to be carried out in connection with an existing use, but not including development referred to in subclause (2).
 - (2) This clause does not apply to development of the kind referred to in subclause (1) that consists of:
 - (a) any activity that, immediately before the appointed day, was specified in item 6 of Part A of the Table to section 68 of the unamended LG Act 1993 (relating to the use and occupation of uncompleted buildings), or
 - (b) any prescribed activity (other than an activity referred to in paragraph (a)) that, immediately before the appointed day, was exempted, excluded or suspended from the requirement for approval under the unamended LG Act 1993:
 - (i) by the *Local Government (Approvals) Regulation 1993*, as in force immediately before the appointed day, or
 - (ii) by a local approvals policy in force under the unamended LG Act 1993 (being a local approvals policy that is still in force at the time the development application for development consent is made), or
 - (iii) by or under the provisions of any Act, including the provisions of an environmental planning instrument of a kind referred to in section 28 of the unamended EP&A Act 1979, or
 - (c) any subdivision of land that, immediately before the appointed day, was exempted from the requirements for approval under the repealed LG Act 1919 by or under the provisions of that or any other Act, including the provisions of an environmental planning instrument of a kind referred to in section 28 of the unamended EP&A Act 1979, or
 - (d) any development:
 - (i) carried out by the Crown, or
 - (ii) carried out by any person prescribed by the amended EP&A Regulation 1994 for the purposes of section 115M of that Act (as referred to in section 115H (a) of that Act) in relation to Crown building work, being development that, immediately before the appointed day, constituted an activity within the meaning of Part 5 of the unamended EP&A Act 1979,
 - (d1) any development consisting of the demolition of a building or work:
 - (i) carried out by the Crown, or
 - (ii) carried out by any person prescribed by the amended EP&A Regulation 1994 for the purposes of section 115M of that Act (as referred to in section 115H (a) of that Act) in relation to Crown building work,
 - (d2) any development consisting of subdivision:
 - (i) carried out by the Crown, or
 - (ii) carried out by any person prescribed by the amended EP&A Regulation 1994 for the purposes of section 115M of that Act (as referred to in section 115H (a) of that Act) in relation to Crown building work,
 - (d3) any non-structural alterations to a building:
 - (i) carried out by the Crown, or
 - (ii) carried out by any person prescribed by the amended EP&A Regulation 1994 for the purposes of section 115M of that Act (as referred to in section 115H (a) of that Act) in relation to Crown building work,
 - (e) any prohibited development, or
 - (f) (Repealed)
 - (g) any activity within the meaning of Part 5 of the Act:
 - (i) in respect of which an application for approval to a determining authority within the meaning of that Part has been made, but not finally determined, immediately before the appointed day, or
 - (ii) which was approved by a determining authority within the meaning of that Part before the appointed day and that commences pursuant to that approval not later than 3 years after the appointed day.
 - (3) Development to which this clause applies may not be carried out except with development consent.
 - (4) Development consent may not be granted in relation to development for a prescribed activity that involves the erection of a building unless the requirements of Division 4 of Part 1 of Chapter 7 of the unamended LG Act 1993 have been complied with.
 - (5) The requirements relating to the notification of proposed development under the amended EP&A Act 1979 (including any requirements applied by clause 32 (1)) do not apply to a development application for development for which the requirements referred to in subclause (4) are required to be complied with.
 - (6) Subclauses (4) and (5) apply only if a local approvals policy (being a local approvals policy with respect to the notification of applications for approvals) is in force under the unamended LG Act 1993 at the time the development application for development consent is made.
 - (7) This clause has effect:
 - (a) despite the existing provisions of an existing EPI, and
 - (b) despite any rezoning of land (whether effected by existing or new provisions of an existing EPI or otherwise), but is otherwise subject to the provisions of any new EPI and to any new provisions of an existing EPI.
 - (7A) Nothing in this clause requires development consent to be obtained for any development for which development consent is required to be obtained otherwise than by operation of this clause.
 - (8) The consent authority for the purposes of development to which this clause applies is the council unless, by or under the Act, some other person is the consent authority for the purposes of that development.
 - (9) Despite Part 9 of the amended EP&A Regulation 1994, the fee for an application to carry out development of the kind to which this clause applies, being the erection of a building within the meaning of the unamended LG Act 1993, is the fee determined in accordance with an order under clause 33.
 - (10) (Repealed)
 - (11) This clause ceases to have effect on 1 July 2001.